

Prior law provided the legislative finding that the physically handicapped are denied access to much of the built environment and that this denial of access often prevents the physically handicapped from exercising their rights and privileges as citizens. Denial of access further impairs the ability of the physically handicapped to secure an education, to find and maintain gainful employment, to live independently, and to otherwise participate fully in society. Prior law also provided the legislative finding that a large proportion of the population is physically handicapped and La. has a moral interest in securing equal rights for all its citizens and an economic interest in the removal of architectural barriers which keep the physically handicapped on public assistance programs and from becoming productive citizens.

New law retains prior law but changes the phrase "physically handicapped" to "disabled community".

Prior law provided that it is the policy of La. to bring to an end, as quickly as possible, the undue hardship caused by architectural barriers. The state shall enable persons who are physically handicapped to achieve maximum personal independence, to become gainfully employed, and to use and enjoy all buildings and facilities. Prior law further provided that it is the intent of the legislature to implement the removal of architectural barriers so that the physically handicapped may begin to share equally with the nonphysically handicapped the right to use and enjoy the man-made environment, including but not limited to places of employment, recreation, entertainment, shopping, and education.

New law retains prior law but changes the phrase "physically handicapped" to "disabled community".

Prior law defined "ADAAG" as the Americans with Disabilities Act Accessibility Guidelines in effect on Sept. 1, 1994, as adopted by the U.S. Dept. of Justice pursuant to the ADA.

New law defines "ADA Standards" as the 2010 Americans with Disabilities Act Standards for Accessible Design as adopted by the U.S. Dept. of Justice pursuant to the ADA and any subsequent amendments or additions to or editions adopted by the Dept. of Justice.

Prior law defined "alteration" as a deliberate reconstruction of an existing building in whole or in part in order to bring it up to date in conformity with present uses of the structure and to which other rules and regulations on the upgrading of health and safety provisions are applicable. It also included "alteration" as defined in the ADAAG.

New law retains prior law but changes "ADAAG" to "ADA Standards".

Prior law defined "building" as a structure to which the general public customarily has access or utilizes as defined in the ADAAG.

New law retains prior law but changes "ADAAG" to "ADA Standards".

Prior law defined "governmental facility" as a building, structure, or facility designed, constructed, or altered by, on behalf of, or for the use of a quasi public agency, the state, or any agency or department thereof, or any political subdivision or any agency or department thereof.

New law defines "public building or facility" as a building, structure, or facility designed, constructed, or altered by, on behalf of, or for the use of a quasi public agency, the state, or any agency or department thereof, or any political subdivision or any governmental agency or department thereof or as defined by the ADA Standards.

Prior law defined "public facility" as a commercial facility or a place of public accommodation as such terms are defined in the ADAAG.

New law defines "private building or facility" as a commercial facility or a place of public accommodation as such terms are defined by the ADA Standards or in the Life Safety Code.

Prior law provided that a "public facility" does not include a governmental facility.

New law deletes prior law.

Prior law provided that the Americans with Disabilities Act Accessibility Guidelines in effect on Sept. 1, 1994, as adopted by the U.S. Dept. of Justice pursuant to the ADA are adopted, and requirements therein, shall be complied with.

New law provides that the Americans with Disabilities Act Standards for Accessible Design in effect on Mar. 15, 2011, as adopted by the U.S. Dept. of Justice pursuant to the ADA are adopted as of Oct. 1, 2011, and requirements therein, shall be complied with.

New law provides that the Americans with Disabilities Act Accessibility Guidelines in effect on Sept. 1, 1994, shall remain in effect through Sept. 30, 2011.

New law authorizes the state fire marshal to promulgate those rules and regulations as may be necessary to incorporate or adopt any subsequent amendments to or additions to or editions of the ADA Standards, as it is subsequently amended or issued as a new edition adopted by the U.S. Dept. of Justice.

Prior law required any new or altered public facility or governmental facility to be made accessible pursuant to ADAAG standards subject only to the limitations or exceptions provided for therein. However, no altered public facility or governmental facility was required to comply with Section 4.1.6(2) of the ADAAG standards relative to path of travel.

New law provides that any new or altered public building or facility or private building or facility shall be made accessible pursuant to ADA Standards subject only to the limitations or exceptions provided for therein. However, any altered public building or facility or private building or facility shall not be made to comply with Sections 202.4 and F202.4 of the ADA Standards relative to path of travel.

Prior law required any dwelling unit in a facility which incorporates four or more dwelling units to be made accessible in accordance with rules promulgated by the fire marshal. The rules were required, at a minimum, to provide that at least five percent of the dwelling units in complexes containing more than 15 units shall be fully accessible to a disabled potential resident.

New law requires any dwelling unit in a facility which incorporates four or more dwelling units to be made accessible in accordance with the ADA Standards and rules promulgated by the fire marshal.

Prior law required all public and governmental facilities constructed or remodeled in accordance with ADAAG standards to display signs indicating entrances, facilities, directions, accommodations for the disabled, and other signs as required by and also in accordance with such standards.

New law retains prior law but changes "ADAAG standards" to "ADA Standards".

Prior law required any common or emergency exit on the first floor or ground level of any new or altered public or governmental facility to remain free of any obstruction which would prevent a physically handicapped person from using same. Common and emergency entrances and exits were required to conform to the ADAAG standards.

New law requires any common or emergency exit on the first floor or ground level of any new or altered public building or facility or private building or facility to remain free of any obstruction which would prevent a person with a disability from using same. Common and emergency entrances and exits shall conform to the ADA Standards.

Prior law required iron posts not used for structural support or similar barricades at common or emergency entrances and exits of public facilities or facilities used by the public that are existing, under construction, or under contract for construction which would prevent a physically handicapped person from using such entrances or exits to be removed.

New law retains prior law but changes "physically handicapped person" to "person with a disability".

Prior law authorized the state fire marshal, in cases of practical difficulty or unnecessary hardship and after consultation with the office of rehabilitative services, to grant exceptions from the literal requirements of the standards and specifications required by prior law or permit the use of other methods or materials. Unless a written exception was granted by the fire marshal, any unauthorized deviation from ADAAG standards was required to be rectified by full compliance within 90 days after discovery of the deviation and delivery of a copy of the order requiring remedying of the deviation to the occupant or any person in charge of the premises personally or by registered or certified mail. If no person was found on the premises, the order may be served by affixing a copy thereof in a conspicuous place on the door at the entrance of the premises.

New law retains prior law but changes "ADAAG standards" to "ADA Standards".

Prior law provided that no building permits shall be issued, no state contracts shall be awarded, nor shall any change in new building plans which affect compliance with ADAAG standards be approved concerning any public or governmental facilities until the fire marshal has reviewed and stated that the plans and specifications regarding accessibility appear to him to comply with ADAAG standards.

New law provides that no building permits shall be issued, no state contracts shall be awarded, nor shall any change in new building plans which affect compliance with ADA Standards be approved concerning any public buildings or facilities or private buildings or facilities until the fire marshal has reviewed and stated that the plans and specifications regarding accessibility appear to him to comply with the ADA Standards.

Prior law required, in each case, the application for review to be accompanied by the plans and full, complete, and accurate specifications which shall comply in every respect with any and all requirements prescribed by ADAAG.

New law retains prior law but changes "ADAAG" to "ADA Standards".

Prior law provided that, in any instance in which the ADAAG standards were not complied with, the local building code authorities and the health authorities shall have authority to enforce these standards. Written approval by the fire marshal shall be presumptive evidence of compliance with ADAAG standards but shall not be considered conclusive and local building code authorities and health authorities shall have the power to review all construction within their jurisdiction to the end that the intent of this legislation shall be enforced.

New law retains prior law but changes "ADAAG standards" to "ADA Standards".

Prior law authorized local building code authorities, health authorities, or any individual to seek an injunction to halt construction or require compliance with ADAAG standards of any public facility or governmental facility which has been constructed or is being constructed in violation of prior law. All actions were required to be brought in the district court of the parish in which the public facility or governmental facility, or portion thereof, that is not in compliance, is situated.

New law provides that local building code authorities, health authorities, or any individual may seek an injunction to halt construction or require compliance with ADA Standards of any public building or facility or private building or facility which has been constructed or is being constructed in violation of new law. All actions shall be brought in the district court of the parish in which the public building or facility or private building or facility, or portion thereof, that is not in compliance, is situated.

Prior law authorized the office of rehabilitative services and the state fire marshal, subject to appropriation for such purpose, to provide for educating the public and working with officials of cities, local building code inspectors, parishes, municipalities and other political subdivisions, private architects, designers, planners, and other interested parties in order to encourage and help them make all buildings, facilities, and improved areas accessible to and usable by handicapped persons for purposes of rehabilitation, employment, business, recreation, and all other aspects of normal living.

New law retains prior law but changes "handicapped persons" to "persons with disabilities".

Prior law required each state agency and political subdivision having jurisdiction over street parking or a government facility and each owner or lessee of a public facility, in accordance with applicable zoning and building codes, to provide and maintain a minimum number of specially designed and marked motor vehicle parking spaces for the exclusive use of persons whose vehicles are identified by license plates, hang tags, or special parking cards for the mobility impaired.

New law requires each state agency and political subdivision having jurisdiction over a public facility and each owner or lessee of a private facility, in accordance with applicable zoning and building codes, to provide and maintain a minimum number of specially designed and marked motor vehicle parking spaces for the exclusive use of persons whose vehicles are identified by license plates, hang tags, or special parking cards for the mobility impaired.

Prior law required the mobility-impaired parking spaces to adhere to the ADAAG specifications and to include mobility-impaired loading and unloading areas, access aisles, access ramps, and curb cuts. The minimum number of such parking spaces were to be as established by ADAAG.

New law retains prior law but changes "ADAAG" to "ADA Standards".

Prior law provided that public facility, as the term is used in prior law, shall be as defined in prior law, and shall include private property which is open to the public and to which the public is invited for commercial or governmental purposes.

New law provides that public building or facility and private building or facility, as the terms are used in new law, shall be as defined in new law, and shall include public and private property which is open to the public and to which the public is invited for commercial or governmental purposes.

Prior law provided that any owner or lessee of a public facility who failed to provide and maintain spaces reserved and designated for the exclusive use of vehicles bearing a special license plate or parking card issued to a mobility-impaired driver free of obstructions shall be fined not more than \$500.

New law retains prior law but deletes the requirement that the facility be public.

Prior law provided that, in addition to all fines, fees, costs, and punishment authorized for violation of mobility-impaired parking regulations, any parish or municipality which instituted a formal handicapped parking enforcement program to assist the law enforcement agency in enforcing such regulations may, by ordinance, provide for and enforce an additional \$25 fine for each violation of such regulations.

New law retains prior law but changes "handicapped" to "mobility-impaired".

Prior law provided the legislative finding that providing sufficient mobility-impaired parking spaces for use by both employees and visitors to public facilities was essential to protecting the civil rights of the disabled. Prior law further provided the legislative finding that, to this end, the state, through the fire marshal, had insisted on compliance with the Americans with Disabilities Act Accessibility Guidelines, and the legislature had set substantial fines for handicapped parking violations.

New law provides that the legislature finds that providing sufficient mobility-impaired parking spaces for use by both employees and visitors to public or private buildings or facilities, as defined in new law, are essential to protecting the civil rights of the disabled. To this end, the state, through the fire marshal, has insisted on compliance with the ADA Standards, and the legislature has set substantial fines for mobility-impaired parking violations.

Prior law provided that, prior to final acceptance of any completed public or governmental facility, for which a permit has been issued under prior law, a certificate stating that the building has been constructed in compliance with ADAAG standards as reviewed by the fire marshal shall be required of the owner, signed by the project architect or project engineer, or, in the event there was no project architect or project engineer, the certificate was to be

signed by the owner. Prior law required the certificate to be recorded in the mortgage records in the parish where the project was located.

New law deletes prior law.

Effective August 15, 2011.

(Amends the heading of Part V of Chapter 8 of Title 40 of the Louisiana Revised Statutes of 1950, R.S. 40:1731, 1732(2), (3), (4), (7), and (9), 1733-1736, 1737(A), 1738(A) and (B), 1740, 1741, 1742(A)(1) and (3), 1742.1, and 1742.2(A)(1); Repeals R.S. 40:1739)